MR. N. K PADMANABHA PILLAI (*Director of Industries*) : I do not carry all the files here and I do not know the exact amounts applied for.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I inform that it will be absolutely useless to these firms if only Rs. 50,000 is distributed ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Some people have approached Government with a request of even Rs. 10,000 and that will be of great help to them at this time of economic depression.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Am I to understand that this amount is intended to be distributed among five persons only?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Not in the least.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : May I know from the Director the particular persons amongst whom he wants to distribute this amount ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : I cannot say that now. We will have to find out the liability of the persons, the value of the holdings and the security they are prepared to offer. All these things have to be enquired into.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : May I know whether this amount will be given to one single factory ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : We do not know anything about that now.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is this amount proposed to be distributed only among the firms who have already applied ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : No, it will be given to others also.

MR. K. P. NILAKANATA PILLAI (*Chirayinkil*) : May I know from the member whether the loans applications were not considered because there were no funds available ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) : Exactly so.

MR. K. P. NILAKANATA PILLAI (*Chirayinkil*) : May I take it that when funds are available those applications will be considered ?

MR. N. K PADMANABHA PILLAI (*Director of Industries*) : Certainly.

PRESIDENT : I take it the House sactions the demand.

The grant was made.

The Council adjourned for lunch at 2·10 P. M. and met again at 3 P. M. the Deputy President presiding.

LEGISLATIVE BUSINESS.

THE MUNICIPAL REGULATION AMENDMENT BILL.

DEPUTY PRESIDENT : We are at clause IV of the Municipal Regulation Amendment Bill. Mr. Thanu Pillai, you will now move your amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Sir, before we proceed with the considertion of the Bill, I wish to draw the attention of the House to the absence of many of the official members

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[Mr. E. V. Krishna Pillai.]

of this House which shows the least courtesy to the House. I want that this should be recorded. I most emphatically protest against their conduct and request you, Sir, to get an explanation from those officers who are absent from this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, a major portion of the official members are present while a major portion of the non-official members are absent.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): I have absolutely no objection. But along with that I want my protest also to be recorded.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move the following amendment to clause IV:

Substitute the following for the proposed Section 198. "198 (1) The Municipal Council may, with the sanction of Our Government, direct the construction of such works as it deems fit without the limits of the Municipality for supplying it with water, and may provide channels, tanks, reservoirs, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants.

(2) Our Government may, with the consent of the Municipal Council, undertake the construction of water supply works and in that case, do all or any of the works referred to in sub-section (1) above."

Section 198 of the existing Regulation gives power to the Municipal Council to do the works necessary in connection with water supply either within or without the municipal limits and that without the sanction of Government. The clause, as settled by the Select Committee, changes the law embodied therein in two important particulars. One is that the power of the Municipality or of the Municipal Council to do the necessary works is conditional on the previous sanction of Government both when the works are to be done within the municipal limits and when the works are to be done outside the municipal limits. Secondly, the power is sought to be given to Government to undertake water supply works. Government normally do not reserve any power in regard to this matter under the existing Regulation. So, Sir, it is clear that the provision now proposed by the Select Committee is clearly retrograde. When I was discussing another amendment I laid emphasis on this fact that we ought not to go back in respect of self-government. We should not take away the powers already enjoyed by Municipal Councils and other similar bodies. But this provision of the Bill clearly gives a setback to the principles of self-government.

Now, I shall deal with this amendment. There is one clause only in the provision made by the Select Committee. I have split it into two. I also suggest an alteration to the existing law. Under the existing law, the municipality can do these works without the sanction of Government both within the Municipal limits and outside.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the member quote the Section of the Regulation?

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MR. A. THANU PILLAI (*Trivandrum*): It is Section 198. I think it is better that I read the Section because most of the members may not have the Section before them. This is the existing Section.

"In all Municipalities in which a water tax is levied under sub-section (7) of Section 61, the Council may provide a supply of drinking water within the Municipality; and shall cause such tanks, reservoirs, engines, pipes, taps and other works as may be necessary for the said purpose to be constructed and maintained, whether within or without the Municipality; and shall erect sufficient standpipes or other conveniences for the gratuitous supply of water to the public."

That is the first sub-clause. The second sub-clause runs as follows:—

"The Council shall, as far as possible, make adequate provisions that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption."

I am now concerned only with the latter half of the first sub-clause which clearly says that whether the works are within or without the municipal limits the Municipal Council can do such works. It does not make any mention whatever of Government sanction. So the Municipal Council can do anything now. I say that it is proper that some restriction is placed with regard to works outside the municipal limits that may have to be done for the benefit of the inhabitants inside the municipal limits, because public works of the kind should not be allowed to be undertaken by a Municipality outside the municipal area without the previous sanction of the Government and I am prepared to amend the existing law to that xtent. So, my sub-clause clearly provides for that. I shall again read sub-clause (1) as I have suggested.

"The Municipal Council may, with the sanction of Our Government, direct the construction of such work as it deems fit without the limits of the Municipality for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants."

In the second portion I delete the works "with the sanction of Government" and the wording itself is taken from a corresponding statute in force in British India, I mean, the Madras District Municipalities Act. The wording is exactly that found there. Why should we insist on the sanction of Government even when the Municipality wants to do some work within the limits of the Municipality? I strongly take objection to that. The provision that I suggest is exactly the same, literally and in substance, as that in force under the Madras District Municipalities Act.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I may inform the member that even according to his amendment Government sanction is required for works even within the municipal limits.

MR. A. THANU PILLAI (*Trivandrum*): No. I shall read my amendment again.

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[Mr. A. Thanu Pillai.]

"The Municipal Council may, *with the sanction of our Government*, direct the construction of such works as it deems fit *without the limits of the Municipality* for supplying it with water, and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits for the use of the inhabitants."

In the first place it is stated "may with the sanction of Government direct the construction of such works as it deems fit without the limits of the Municipality" and in the second place it is simply said that the Municipal Council may provide channels, etc., within the said limits. I do not see that according to my amendment the sanction of Government is necessary for the latter.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). Where is the provision for the construction by the Municipality of waterworks within the municipal limits?

MR. A. THANU PILLAI (*Trivandrum*): If there is any difficulty in that wording, I have no objection to the necessary changes being made. But to me it appears that this is quite enough. Anyhow this is the wording in the Madras Act, and if it is the Law Member's objection that there is no provision empowering the Municipal Council to work the water-supply scheme within the municipal limits the necessary amendments, if the Council thinks so, may be made. It is not substantial, it is only verbal and I have no objection to it. Sir, mine is exactly the wording of Section 126, clause (1) of the Madras District Municipalities Act. I do not see any reason why it should not satisfy us. As I stated already, if the Law Member thinks that a clear enabling provision like the one he mentioned is necessary, I have no objection in adopting it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Does the member want the municipality to obtain the sanction of Government for water-supply works to be done by the municipality?

MR. A. THANU PILLAI (*Trivandrum*): No. I do not want it. What I mean is that works in connection with the water-supply to be done outside the limits of the Municipality should be done with Government sanction, because it is going to affect the people outside the Municipality while it does not benefit them. That is one thing. But so far as the works within the Municipal limits are concernd, there is no reason why they should get the sanction of Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Even for water-supply works?

MR. A. THANU PILLAI (*Trivandrum*): Yes, and under the existing Regulation they have already got the power. Water-supply is one of the main functions of the municipality and they have got the power to do such works as they think necessary.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But does not the Amending Bill as settled by the Select Committee take away that right?

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MR. A. THANU PILLAI (*Trivandrum*) : Yes, according to the Select Committee, whether the works are to be done outside or inside the limits of the municipality the sanction of Government is necessary. That I think is clearly retrograde.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Does the member want the municipality to have power to undertake works in provinces outside the limits of the municipality ?

MR. A. THANU PILLAI (*Trivandrum*) : That is to say, for supplying a particular municipal area with water, works in connection with the reservoir will have to be done outside the municipal limits and in such cases Government sanction may be obtained. I have also provided for that in my amendment. But for works done by the municipality within municipal limits it is wrong to say that they must obtain the sanction of Government. If they want to lay a pipe or to have some other work done inside the municipal limits, why should they ask for the permission of Government ?

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is it the intention of the member that the Municipal Council should not take up the works in connection with water supply within the municipal limits ? There is no provision in the amendment proposed by the member,

MR. A. THANU PILLAI (*Trivandrum*) : Sir, I do not understand the difficulty of the member. This provision Section 198--occurs in chapter VIII—Water-supply. The first sub-clause of that according to my amendment will read thus:

"The Municipal Council may, with the sanction of our Government, direct the construction of such works as it deems fit without the limits of the municipality for supplying it with water, and may provide channels, tanks, reservoirs, engines, mains, wells, fountains, standpipes and other works as it may deem fit within the said limits, for the use of the inhabitants."

I have no objection in repeating the words "for supplying with water" in the latter portion also, if it is thought necessary. But I think that, as it is, it is quite enough.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Suppose the Municipality wants to construct water works within the municipal limits. Where is the provision for that ?

MR. A. THANU PILLAI (*Trivandrum*) : What does this mean—"may provide channels, etc., as it may deem fit within the said limits"?

MR. S. CHATTAANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : These are mentioned here as contra-distinguished from the water-works.

MR. A. THANU PILLAI (*Trivandrum*) : No. In the Select Committee we had some difficulty about that. Anyhow, this is exactly the wording in the Madras District Municipalities Act and that Act is working there and they have understood it in the sense that I want it to be understood.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*) : Is that the authority ?

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MR. A. THANU PILLAI (*Trivandrum*): That is in force. Anyhow, the member may improve upon the wording. I have no objection to it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Has the member any objection to getting inserted the words "for supplying water for the use of the inhabitants" in sub-clause (1)?

MR. A. THANU PILLAI (*Trivandrum*): I have no objection. That is to say, we may enumerate the works that will have to be done with regard to water-supply works outside as well as within the municipal limits.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is the Municipality competent to acquire land within the municipal limits?

MR. A. THANU PILLAI (*Trivandrum*): The Municipality is not given now the power to acquire land. That has to be done through the Government.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If you ignore Government sanction for one thing, you will not have their assistance for another.

MR. A. THANU PILLAI (*Trivandrum*): If land has to be acquired for a public purpose, I am sure Government will naturally acquire the land for the Municipality. But that is another matter altogether.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): I thought that the trend of the member's argument went to indicate that the Government should be excluded from all these things.

MR. A. THANU PILLAI (*Trivandrum*): Certainly not. Acquiring land for a particular purpose is one thing, but making use of it for that purpose is another thing.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): So, the Municipality cannot be self-sufficient so far as water-supply is concerned?

MR. A. THANU PILLAI (*Trivandrum*): Not only for that but for many other things it cannot be self-sufficient. Certainly, Government will render all legitimate help to the Municipalities when they ask for it. That I do not think in any way makes my position difficult.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has the Municipality any power to undertake any other works within the municipal limits without the sanction of Government? For instance, in regard to electric supply schemes, has any Municipality power to start the work without the sanction of Government?

MR. A. THANU PILLAI (*Trivandrum*): I cannot say whether it is one of those works that they can do without the sanction of Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): After vesting the Municipality with all the public streets, have the Government any right with reference to these streets, under the Regulation, by which they could restrict the Municipality in regard to the use of the land which has become vested in the Municipality under the Municipal Regulation?

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MR. A. THANU PILLAI (*Trivandrum*): I think the municipality has got control over the lands vested in them.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Under the existing Regulation, have not Government delegated the power of starting water-works within municipal limits to the Municipal Councils?

MR. A. THANU PILLAI (*Trivandrum*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the amendment taking away that power?

MR. A. THANU PILLAI (*Trivandrum*): Yes, that is just what I have been mentioning.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it a step in the right direction?

MR. A. THANU PILLAI (*Trivandrum*): It is a step in the wrong direction. The rights vested under the existing Regulation are sought to be taken away. That is quite a wrong move. That is my complaint. Anyhow in regard to land acquisition, there is no difficulty. If the Municipality wants lands for legitimate purposes, Government will naturally acquire land. The Government and the Municipality are not hostile bodies. That is my argument so far as that portion is concerned.

If my friends are not satisfied with the wording, I shall amend it. As I stated, I took it from the Madras District Municipalities Act. I have no objection to the wording being improved.

In regard to the other portion, *viz.*, the Government themselves working a waterworks scheme, there is no provision like that in the existing Regulation. The water-supply is made a municipal function and the municipality is given the power to supply water. The law elsewhere also is to the same effect. For instance, in the District Municipalities Act, under Section 39 (3), the local Government may with the consent of the Municipal Council undertake on its behalf a water-supply, drainage or other work, appoint persons, etc. That is the law in Madras.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): If the Municipality undertakes the work who is to find funds for that? According to the member's amendment, where from will the funds be forthcoming for the construction of works undertaken by the Municipality?

MR. A. THANU PILLAI (*Trivandrum*): Well, the funds may come either from the Government or the Municipality. If the Municipality consents, Government can take care that funds also are provided by the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): But there is no provision for that here.

MR. A. THANU PILLAI (*Trivandrum*): That may be incorporated. My idea is that such works should be undertaken only by Municipality. Because when we bring into existence these representative bodies, as I

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[Mr. A. Thanu Pillai.]

said in the morning, they ought to be respected and their existence recognised. Otherwise it would be very good that we abolish those bodies.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): But the question is that you want Government money and at the same time you exclude Government interference?

MR. A. THANU PILLAI (*Trivandrum*): I do not want Government money and at the same time to exclude their interference. My position is that the work of supplying good water to the town is a function of the municipality. If the Municipality is not able to do it, Government may help it. Government may help it with advice and money, or Government themselves may do the work and hand it over to the Council. But it is the primary work of the Municipal Council to supply water to the residents of the town. That does not mean that the municipality should not be asked to meet the cost. It is only in a fit case that the Municipality will agree that the Government should undertake the work. In the first place, the Municipality may say that it is not able to do it. Secondly, the Municipality must be convinced that it will be able to provide the necessary funds for the work proposed, if it is to meet the cost.

In the case of the Trivandrum town, we felt that there was difficulty so far as the Government were concerned. Without properly consulting the Municipality, Government spent lots of money in their own way. Eventually they come and ask the Municipality to meet the cost. The Municipality is composed of representatives of the people. Why not do such work with their consent at least? If they oppose and refuse such consent, then that means either that the work is not necessary or that it cannot be carried out without great detriment to the inhabitants of the town. That is the provision enacted in British India. Why should we not follow that here? My amendment is that when Government undertake the work it should be done with the consent of the Municipal Council. These are the two parts of the amendment that I propose to Section 198 as revised by the Select Committee.

MR. P. S. MAHOMED (*Nominated*): ഞാൻ മി. താണുപിള്ളയെ അനുകൂലിക്കുന്നു. മി. താണുപിള്ള രണ്ടു സംഗതികളെയുണ്ണു പ്രധാനമായി മൂണ്ടികാണിച്ചിട്ടുള്ളതു്. അതിൽ ഒന്നു മുനിസിപ്പൽ അതൃത്തിക്കു വെളിയിൽ വാട്ടർസപ്ലൈ സംബന്ധിച്ചു എന്തെങ്കിലും പ്രവൃത്തിക്കുകയാണെങ്കിൽ അതു ഗവണ്മെന്റു അനുവാദത്തോടുകൂടിയേ പാടുള്ളു എന്നും അതുപോലെതന്നെ മുനിസിപ്പൽ അതൃത്തിക്കുള്ളിൽ ഗവണ്മെന്റു വാട്ടർസപ്ലൈ സംബന്ധിച്ചു പ്രവൃത്തിക്കാൻ തുടങ്ങുന്നപക്ഷം അതു

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ഈ മുനിസിപ്പാലിറ്റിയുടെസമ്മതത്തോടുകൂടിയേ പാടുള്ളു എന്നുമാണ്. ഇതുരണ്ടും അത്യാവശ്യവുമാണ്. മുനിസിപ്പാലിറ്റിക്കു വെളിയിൽ മുനിസിപ്പാലിറ്റിക്കു കിട്ടുന്ന ഗ്രണങ്ങളെല്ലാം ചെയ്യുകൊടുക്കാമെന്നു വിചാരിക്കുന്നു എങ്കിൽ അതിനു ഗവണ്മെൻറിന്റെ അനുമതി അത്യാവശ്യമാകയാൽ അപ്രൊവിഷൻ വേണ്ടതാണ്. മുനിസിപ്പൽ അതൃത്തിക്കു ഉള്ളിലുള്ള ജനങ്ങളുടെ ആരോഗ്യത്തേയും സുഖത്തേയും സംബന്ധിച്ചു പ്രധാനമായി ചുമതലപ്പെട്ടവർ മുനിസിപ്പാലിറ്റിക്കാരായതുകൊണ്ടു അവർ ചെയ്യേണ്ട പ്രവൃത്തി, ഗവണ്മെൻറു ചെയ്യുന്നതിനുള്ള സന്ദർഭങ്ങൾ വരുമ്പോൾ അതു മുനിസിപ്പാലിറ്റിയുടെ ഹിതത്തിനു വിരോധമായ നിലയിൽ ഗവണ്മെൻറു പ്രവൃത്തിക്കുന്നപക്ഷം അതു മുനിസിപ്പൽഅതൃത്തിക്കു അകത്തുള്ള ജനങ്ങൾക്കുതന്നെയല്ല, മുനിസിപ്പാലിറ്റിക്കുതന്നെ ഒരു വലിയ ഉപദ്രവമാണു്. മുനിസിപ്പാലിറ്റിയെകൊണ്ടു വഹിക്കാൻ പാടില്ലാത്ത ഒരു വലിയസംഖ്യ ഗവണ്മെൻറു അനാവശ്യമായി ചിലവാക്കേണ്ടിവരും. അതിനുള്ള പ്രതിഫലം കൊടുക്കാൻവേണ്ടി സാധുക്കളായ ജനങ്ങളെ കായ്മില്ലാതെ ഉപദ്രവിക്കേണ്ടിവരും. ഇങ്ങനെയുള്ള വിഷമം ഉണ്ടാകാതെ ഇരിക്കത്തക്കവിധത്തിൽഭേദഗതിചെയ്യണം.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മുനിസിപ്പാലിറ്റിക്കുകീഴിൽ ചെയ്യുന്ന ജോലിക്കു ഗവണ്മെൻറു പണം കൊടുക്കുമോ?

MR. P. S. MAHOMED (*Nominated*): എന്നു ഈ അമൻറുമെൻറിൽ കാണുന്നില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മുനിസിപ്പാലിറ്റിക്കുകീഴിൽ ചെയ്യുന്ന ജോലിക്കു പണം എവിടെനിന്നും ഉണ്ടാകും?

MR. P. S. MAHOMED (*Nominated*): അതു ഗവണ്മെൻറു ചെയ്യണം. അങ്ങിനെ ഗവണ്മെൻറു മുനിസിപ്പാലിറ്റിക്കു പണം കൊടുക്കുന്ന അവസരത്തിൽ അതിനെപ്പറ്റി വേണ്ട നിബന്ധന ചെയ്യേണ്ടതാണ്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): മുനിസിപ്പൽ അതൃത്തിക്കുകീഴിൽ ഏതെങ്കിലും ജോലി ചെയ്യേണ്ടതു് അത്യാവശ്യമാണെന്നുകണ്ടാൽ അതിലേക്കു പണം കൊടുക്കണമെന്നു ഗവണ്മെൻറിനെ നിർബന്ധിക്കുവാൻ വല്ല പ്രൊവിഷനും ഉണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ഇല്ല. അങ്ങിനെ ഗവണ്മെൻറിനെ നിർബന്ധിക്കത്തക്ക വിധത്തിൽ റഗുലേഷൻ ഉണ്ടാക്കുന്നതു ശരിയാണെന്നു് എനിക്കു തോന്നുന്നില്ല. ഗവണ്മെൻറിനു പണം കൊടുക്കാൻ

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[Mr. P. S. Mahomed.]

സാധിക്കാതെ വരുന്ന സന്ദർഭവും ഉണ്ടാകും. അതിനാൽ ആ വിഷയത്തിൽ നിർബന്ധം ആവശ്യമില്ല. അത് ഈ അമൻഡുമെൻറിൽ ഉൾപ്പെടുകയുമില്ല. അങ്ങിനെ ഒരു അമൻഡുമെൻറ് കൊണ്ടുവരികയാണെങ്കിൽ അതിനെപ്പറ്റിയുള്ള എൻെറ അഭിപ്രായം അപ്പോൾ പറയാം.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): വാട്ടർ വർക്കിലുള്ള ആദായത്തിൽനിന്നും ൫ ൦ ശതമാനം പിരിച്ചുകൊടുക്കണമെന്നു പറയുന്നില്ലെ?

MR. P. S. MAHOMED (*Nominated*): എന്നുണ്ടായിരിക്കണം. ആ സംഗതിയെപ്പറ്റി ഇപ്പോൾ പ്രസ്താപിക്കേണ്ട ആവശ്യമില്ല. ആ സംഗതി ഈ അമൻഡുമെൻറിൽ കാണുന്നില്ല. ഞാൻ മിസ്റ്റർ താണുപിള്ളയുടെ അഭിപ്രായത്തോടുകൂടി യോജിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. I may first of all make it clear to the House what the real points are that arise for consideration. The first point is whether the existing power of the municipalities is taken away. The second point on which criticism is levelled is that power is given to the Government for supplying water within the Municipality without even the consent of the municipality.

In regard to the first point Mr. Thanu Pillai cited Section 198 of the Municipal Regulation and said that under that the Municipalities can do all these things without Government sanction. But, as a matter of fact, they require even now the sanction of the Government to do those works. This Section 198 occurs in a Chapter headed "Chapter VIII". This is the first Section in that Chapter, and the last Section of that Chapter is this:

"205. The provisions of this Chapter shall not take effect in any municipality until they have been specially declared to apply thereto by Our Government at the request of the Municipal Council."

So that as the law now stands it is substantially incorrect to say that the municipality can do all these works without the sanction of the Government. It is a substantially incorrect statement of law. In the present Bill, it will be noticed that the Section says that it will take effect only when the sanction of Government is obtained. That does not make much difference. It is not that the Government want to hamper the municipality. If this House thinks that it is to the interests of the citizens and to their welfare, by all means allow the municipality to act on their oun authority alone.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kurnattur*): Is it the member's opinion that even if Mr. Thanu Pillai's amendment is carried and forms part of the amending Bill, that will be null and void in the face of the Section referred to?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The whole Chapter ceases to exist when this Bill is passed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): So, if Mr. Thanu Pillai's amendment is carried, the whole thing will cease to exist?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I know the reason why the law is changed in regard to this matter?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In regard to the provision that the Municipality should take the sanction of Government it is not contemplated to apply this law to all the Municipalities. What I want is that Government should be given power for working the water works scheme in this city.

MR. A. THANU PILLAI (*Trivandrum*): Is it not a general sanction that is contemplated in the Regulation now? Are these not two different things?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I used the words "substantially" advisedly.

In regard to the power of Government, I heard Mr. Thanu Pillai say that the Municipality has got powers at present which are being interfered with. He has been speaking of powers of the municipality. He emphasises on the powers. What about the duties of the Municipality? It will be seen from Section 198 that they are bound to supply water to the citizens. The premier city of Trivandrum failed to supply water. And not only failed to supply water, but they asked Government to supply water. Government incurred a lot of expenditure by undertaking this scheme. Is it not due to the fact that the Municipality failed to do their duties? If Government found that the Municipal Regulation was in existence for 12 years and that no municipality started water-supply works, but on the other hand they tried to shift the duty on to the Government, of course Government as the custodian of the larger interests of the citizens are bound to supply water when the Municipality failed to do their duties.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Have the Government issued instructions under Section 205 investing the municipality with the power to undertake the supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will draw the attention of the member to Section 205. It says that the municipality should apply to Government for such sanction. If Mr. Krishna Pillai is pleased to speak on the point, I trust that he will state whether any municipality applied or not.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Have they ever tried to take into account or form an idea of the working of the Municipality and set them right?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, on many occasions. Whenever occasion arises, they do so. That does not arise now. Here the only question is whether the Government should be given power to supply water.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the amendment take away the power of the Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, when the Government are spending 50 lakhs of rupees, what is the purpose of saying that they should get the sanction of the Municipality?

MR. K. GOPALAKRISHNA PILLAI (*Parur*): I think there are general tax-payers in this town?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. THANU PILLAI (*Trivandrum*): Are municipal funds being exempt from being applied for this purpose? The statement would show that the Municipality are not liable for the expenses incurred for the water-supplies scheme.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, municipal funds will have to be applied.

MR. A. THANU PILLAI (*Trivandrum*): Then what is the meaning of saying that Government alone are spending?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it not a statement of *fact*? Who spends the money? Is it not the Government or is it the municipality that spends the money?

MR. A. THANU PILLAI (*Trivandrum*): So, is the Municipality to be exempted on that account?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If Mr. Thanu Pillai questions that statement of fact, I can answer. I shall not say now anybody questions that statement of fact.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): What was the necessity for rushing through the scheme?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall not say more whether any urgency was felt. But all the same the House felt the necessity for sanctioning the amount that was sanctioned for water-supply purposes. If the Government could spend money from their resources on their own accord, why should they at all ask the consent of the Municipality for spending the santioned amount?

MR. P. S. MAHOMED (*Nominated*): ഗവൺമെൻറ മുനിസിപ്പാലിറ്റിയെ ടാക്സ് ചെയ്യുമൊ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അങ്ങിനെ ചെയ്യുകയില്ല.

MR. P. S. MAHOMED (*Nominated*): മുനിസിപ്പാലിറ്റി ജനങ്ങളെ ടാക്സ് ചെയ്യുമൊ?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അപ്രകാരം ചെയ്യുന്നതിനാണ് സഭ അനുവാദം തരണമെന്ന് പറയുന്നത്.

MR. P. S. MAHOMED (*Nominated*): ഇത് വേലചെയ്യിക്കുന്നതിനാണോ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ സെക്ഷൻകൊണ്ടു അതു വരുന്നില്ല.

MR. P. S. MAHOMED (*Nominated*): എങ്കിലും ഫലം അതല്ലെ? വെറുതെ പണം കൊടുക്കണമെന്നാണൊ പറയുന്നത്?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ വകുപ്പിൽ ഇതേയുള്ളു.

All that this Section says is, Government are given power to supply water. The question of taxation does not arise there. The point is, should the Government be given the power or the privilege of supplying water to the citizen.

MR. A. THANU PILLAI (*Trivandrum*): Is it proposed that the Government will not tax the people of the Municipalities?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are only concerned with water-supply.

MR. A. THANU PILLAI (*Trivandrum*): Am I to understand that each Section in the Bill should be considered independently?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Regarding taxation, the House has already passed a clause. By taking away this provision, there arises a great difficulty in the matter of working. I will give an illustration. Suppose there is the spread of cholera epedemic in the city. We want to supply one million gallons of water. What will Government do if this power is taken away? By the amendment that is brought now, the power of Government would be taken away.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Could not the Municipality be given powers to supply water? Can Government suspend the powers of the Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Of course, Municipality can supply water. Even when the Government supply water, it does not follow that the Municipality's power is taken away. If Government wanted to suspend the powers of the Municipality and then supply water, I can understand the criticism.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*): If Government approach the Municipality for consent, will that popular body refuse to consent?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will not the Muncipality invariably give consent for such beneficent schemes suggested by Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May be.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Then, where is the harm in giving that power to the Muncipality, is my question?

MR. KAYALAM PARARMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be their work. I cannot deny that. It does not logically follow that because power rests with Government in the matter of water supply, the Municipality has no voice.

MR. A. THANU PILLAI (*Trivandrum*): Is not the Law Member hampering with the power of the Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, not at all. The question is not really about hampering the power of the Municipality. As a matter of fact, they *can* supply water to the citizens of the Municipality. That power is not in any way interferred with. If the Municipality want it, the Municipality can supply water.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If the Government want to-day to give power to the people of the Municipality, I do not think the Municipal Council will come in the way.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is the question to be solved.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it the opinion of the member that the Municipality will stand between Government and the people and prevent Government from doing a beneficent thing?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not quite like that—my point is, I am prepared to supply water to the city. Why should I get the consent of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): That is just to see that they are not abusing their powers. Suppose Government do it in a wrong way, who is there to safeguard the interests of the citizens in the Municipality? The so-called popular body should be consulted and their tacit consent obtained.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We welcome the opinion of the citizens. No body is ever prevented from giving out his views. It is one of the obligatory duties of the Municipality to supply water.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Because they had no sufficient funds to work out the programme, they tried to tranfer the responsibilities to Government. From that does the member infer that their sense of duty was only so much?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are going off the point.

MR. A. THANU PILLAI (*Trivandrum*): So that, if Government are not prepared to do it, why should they consider such a proposition now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think it necessary to answer the member.

MR. A. THANU PILLAI (*Trivandrum*): So then, may I know, whether it was on account of the default of the Municipality once that this provision is sought to be enacted?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government consider it necessary in the larger interests of the citizens as well as the State. The Government are prepared to supply water. Why should there be another's consent at all, I do not see?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): No, that is not the view to be taken by the Government. Suppose you are bringing impure water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the House thinks there is such a possibility, then members can devise other measures to check that evil tendency.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is only an assumption I make, not that it will actually be done. Suppose on one fine morning such impure water is distributed, what is the consequence?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not hampering the powers of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the objection to the Municipality being given a voice, may I know?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government want to supply water to the Municipality. Why should you object? That is the exact standpoint.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Just the reverse is the proposition.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably the member wants me to explain once more. The fundamental difference is this. Government have power to supply water to the city. By that means, they are not going to impose any burden on the citizen. Government only want to bring good drinking water. Why do you stand in the way? I am only saying, drink, drink the water I give you.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): By this rule, may I know, if Government is enabled to supply water—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does not Section 205 say that the Municipality shall not be liable for cutting of the supply of water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different provision.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does this enable Government to lay pipes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not to an individual citizen. Cutting off connection, etc., arise in regard to water connection in private houses. All that this Section says is that Government shall have power to supply water. Why not the Municipality welcome that? I only ask "allow me to supply water."

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): If this provision is not included, will it take away the powers of Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If Government have powers why not mention it specifically.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): But, how does it take away the powers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In fact it was felt that the Government could not undertake. It is not intended by this provision to hamper the power of the Municipality.

MR. S. CHTTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): What will be the result, if Government have powers otherwise, in the matter of water-supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not quite catch the member.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Could not Government restrict their powers in the matter of water supply?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Some doubt has been expressed as regards the provision, as it stands now.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): In the case of supply of water, may I know whose responsibility is it? Is it the Government or Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Municipality's primarily. Not only would the Municipality not do their duty, but would not allow Government to supply water. That seems to be the object of the criticism levelled by the other side of the House. The representatives of the people say that Municipality's power is being hampered. What I say is "look here; there is a beneficent scheme promulgated; allow the Government to work it out to the best interests of the citizens, because Government are concerned with the welfare of the State."

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MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to the emphasis laid on the words "powers" and "duties", may I know, is it because of the fact that the Municipality has been found not doing its duty properly that the Government wanted to have power to supply water?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to the member interpreting it in any manner. But the fact is this. The Trivandrum Municipality applied to Govarnment to supply water. Besides, they sent up a resolution urging them to supply water. In the Popular Assembly also, there were representations to that effect. But whether there was any dereliction of duty or not on the part of the Municipality, which induced them to apply to Government for water-supply, I shall not say. The fact is that the Municipality wanted Government to supply water.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Am I to understand that Government induced the Municipality to get their sanction?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have stated all the facts.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not a rule under the existing Regulation which says that unless Government delegate their power to any Muncipality, the Government are themselves bound to fulfil their obligations?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not know.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the Municipality empowered to undertake certain obligatory duties under one section and that under another section are there not certain optional responsibilities for Municipalities in general to discharge?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is obligatory on the part of the Municipality to supply water.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Was it because that Government feel that they have no powers under the existing Regulation that they are now coming forward with this amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have undertaken to supply water. This is a fact. As such, to regularise their position, Government have to take some measures.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Is it to regularise their procedure?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not that I am saying that Government have no power. Government, as a matter of fact, had to supply water and then it appeared that it would be more regular to put it in the statute itself.

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MR. A. THANU PILLAI (*Trivandrum*): Sir, the Law Member's arguments are based upon gross misconceptions. The basis is to be found in his own statement that consulting a Municipal Council in regard to water-supply system is exactly like consulting the College authorities. That seems to be his view about Municipal affairs and Municipal Councils. I take a contrary view. The Municipalities are brought into existence according to him to attend to Municipal duties. They attend to the needs of the Municipality, It is true I admit that some of our Municipalities are unable to discharge their functions properly. Government may say that this Trivandrum Municipality is not able to put forward sound proposals. They may say also that the views advanced by the non-officials are not quite sound from the point of view of the general tax-payer in the country; and so, Government are bound to override them. I can understand there may be occasions when the view expressed generally by this side of the House be wrong and the Government's position correct. But to make a statement that the responsiblity of Government is greater and so they should be empowered at all times to over-ride the decisions and recommendations of popular bodies is really astounding. The Municipal bodies are brought into existence with a definite purpose. It has been the idea of Government that these bodies should function; their powers should not be curtailed unnecessarily and they should be enabled to discharge their duties efficiently. When I speak of the duties and powers vested in a Municipal Council I do not for a moment forget that there is no power without a corresponding duty and no duty without a corresponding power. They are correlated. All that I say is, it is wrong on principle from the point of view of progressive self-Government to take away the powers vested in municipal bodies. Section 205 empowers Government to make the provisions relating to water-supply applicable to any particular Municipality. That does not mean that at every turn it should get the sanction of Government to lay pipes, or to do other works connected with water-supply. A Municipality might approach Government to have the provisions of that chapter applied to it and Government say, "yes". That means, that chapter so and so is applicable and there ends the matter. That for every little thing, sanction of Government has to be obtained seems to be the present proposal of the Law Member. It was stated by him that this Municipality neglected its duty and so Government have a right to step in and do the thing. I do not see eye to eye with him. It may be that the Municipality might not have been able to do things satisfactorily. For that matter; even, Government do not do their work always properly; they have their own short comings. Are they to be ignored in consequence of that? In that case, get rid of the Municipalities. If Government were to say "alright, we give you good water, what harm is there in accepting it. Quench your thirst". We agree. But if they ask us to pay beyond our means we would rather continue to be thirsty than drink water. That is my position. Municipal Councils are not irresponsible bodies,

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): For that matter, as between the Trivandrum Municipality or any other Municipality and the Travancore Government, whom would the member haul up first for dereliction of duty?

MR. A. THANU PILLAI (*Trivandrum*): Government is ultimately responsible for much that is at fault in the State.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member was saying very much about dereliction of duty on the part of the Municipality and also how Government had to come to its rescue. Cannot the same charge be levelled against Government also in the neglect of their duty?

MR. A. THANU PILLAI (*Trivandrum*): Yes, we can. As a matter of fact we have very often pointed out the Government's negligence in the discharge of even their ordinary duties.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member, is it anywhere stated in the Section that it is the obligatory duty of the Municipality to supply good water?

MR. A. THANU PILLAI (*Trivandrum*): Let it be like that.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member was saying that it is the obligatory duty on the part of the Municipality to supply drinking water. He was laying emphasis on the word "obligatory". May I know from the member whether, as a matter of fact, water supply forms the obligatory duty of the Municipality?

MR. A. THANU PILLI (*Trivandrum*): That is one of the main functions of the Municipality.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Are not the Municipalties doing that by sinking wells?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member where is it specifically stated in the Section that it is the obligatory duty of the Municipality to supply water?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, there is a Section.

DEPUTY PRESIDENT: Section 58 (F).

MR. A. THANU PILLAI (*Trivandrum*): That is made conditional upon the financial resources of the Municipality.

It cannot be said to be an unconditional obligatory duty. There is no denying the fact that it is one of the main functions of the Municipality to supply good drinking water as far as their funds permit. Whatever that be, so far as this amendment is concerned, my position is this. When these functions are allotted to a Municipal Council, by law, whether obligatory or conditional, or otherwise, why should Government step into the shoes of the municipality ignoring its existence even. The Law Member's question to me is very interesting. He asked me what is the good of consulting the College authorities I can understand and answer that; they exist for imparting education. All that I can say is, Colleges exist for imparting education,

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The Municipal Council has to look after the comforts of the inhabitants of the city. The Law Member was stating that it is the duty of the Government and not the Municipality to attend to the health of the city as a whole. He is of the opinion that Government is the supplier of water. I do not want to create conflicts and deadlocks. All that I say emphatically is, Government should get the consent of the Municipality and a municipality, if it is a reasonable one, will certainly agree to the wishes of Government. If they withold their consent, that will only be generally on very strong grounds. The Law Member says, again, and again that this Section should be considered independently of every other Section in the Bill. I am not able to see the logic of it. If Government work a water-supply scheme, by all means let them do it. I have no ojection. They may supply us good drinking water. They may very well ask the Municipality to contribute such sum as will be within the competence of the rate-payers of the Municipality. I think it is only fair that a municipal body composed of the representatives of the people agree to part with such sum as will be within their competeuce to pay for a necessary purpose like this. If and when the Government approch a Municipality and appeal "well, here is a proposal for the supply of good drinking water to the inhabitants of the Municipality what do you say to it? The cost of the scheme is so much. Your contribution will come to so much; the annual maintenance will cost so much; the intial outlay on the scheme will be so much; the recurring expenditure will be so much. Do you want such a costly scheme? Are you agreeable?" A Municipality will certainly consider all these aspects and say if their financial resources can bear the cost of such a scheme "Alright, we can have it. We shall pay such and such amount". If their financial resources are only less they may say "We are not rich enough to contribute as you want us to do. We will also bear a portion of the cost. We shall work a cheaper scheme. We shall be satisfied with a smaller quantity of good water for the town." For example in Trivandrum there are localities where there is abundant good water. Vellayambalam for instance contains good wells. Nanthancode is another locality which has good well water. Also Thaikad and Vazhuthaikad. In these places, no pipe water is necessary." There must be some mutual understanding beween the Government and the Municipality. Instead of that, if the Government say that a water supply scheme is essential in the interest of the town as a whole, or in some other interest in spite of the fact that the scheme entails a large outlay, and force it on the Municipality, that is a very hard position for the Municipality to bear. Let the Government work the scheme themselves and the Municipality contribute what they can. That position I can understand. The Law Member now says that a big scheme has been undertaken and begun. Government want to regularise it. Who wanted them to undertake it? If it is the Government themselves, of their own accord, let them work it. If Government have made a mistake of their own accord, and spent large sums of money on their responsibility, is it right, I ask, to call upon the Municipality

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and the rate-payers to divert whatever funds Government want. I was raising the same objection yesterday in regard to the 10 per cent. of the rental value which is beyond the power of the citizen of Trivandrum Municipality to pay. If the Municipality were consulted in time, they would not have agreed to such a cost by scheme. Here is Mr. Mahomed who says that if the Alleppey Municipality wants it, they will first consider the question whether they want such a costly scheme or not. It may be, what a Municipality could do with 20 thousand rupees, Government will spend a lakh of rupees on. The chances are that Government expenditure will go up. They may be paying their Engineers Rs. 700 or Rs. 800, while the Municipalities can get competent engineers for smaller pay. In the same manner, Government may maintain a larger staff for what Municipality could do with a smaller staff. Further, the Municipality may be satisfied with a smaller scheme. It is in that connection I say that the representatives of the Municipality have a right to be heard. I do not mean any disrespect to Government. Nor do I want to lower its prestige.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing more to say by way of reply.

The amendment of Mr. Thanu Pillai was put to vote and lost.

MR. A. THANU PILLI (*Trivandrum*): I demand a poll. A poll was taken with the following result;

AYES—19.

1. Mr. Joseph Kunju	10. Mr. K. P. Nilakanta Pillai
2. ,, K. Gopalakrishna Pillai	11. ,, N. K. Krishna Pillai
3. ,, A. S. Damodaran Asan	12. ,, M. P. Madhavan Pillai
4. ,, K. P. Kochukora Tarakan	13. ,, K. P. Madhavan Pillai
5. ,, E. V. Krishna Pillai	14. ,, K. Madhavan Pillai
6. ,, A. Narayana Pillai	15. ,, Rama Varma Raja
7. ,, M. N. Narayana Menon	16. ,, S. Krishna Pillai
8. ,, P. S. Mahomed	17. ,, K. Kunjukrishna Pillai
9. ,, K. Narayanaperumal Nadar	18. Mrs. Anna Chandi
	19. Mr. A. Thanu Pillai

NOES—22.

1. Mr. C. N. Tuppan Nambutiripad	12. Mr. A. Kumara Pillai
2. ,, K. P. Abraham	13. ,, K. George
3. ,, K. C. Chandi	14. Rao Sahib Dr. N. Kunjan Pillai
4. ,, S. Chattanatha Karayalar	15. Mr. S. C. H. Robinson
5. ,, M. Govindan	16. ,, R. Dhanukoti Pillai
6. ,, N. John Joseph	17. ,, N. K. Padmanabha Pillai
7. ,, K. Padmanabha Panikkar	18. ,, B. Narayana Pillai
8. ,, Tariatu Kunjitomman	19. ,, N. Nilakanta Pillai
9. ,, Kayalam Parameswaran Pillai	20. ,, C. O. Madhavan
10. ,, R. Nilakanta Pillai	21. ,, J. S. Westerdale
11. ,, C. N. Srirenganatha Sastri	22. ,, E. G. McAlpine

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[Mr. A. Thanu Pillai]

NEUTRALS—NIL.

The amendment was declared lost. 19 voting *for the amendment*, 22 against and none remaining neutral.

DEPUTY PRESIDENT: I take it that Cluse IV, Section 198, do form part of the Bill.

The motion was carried and the Clause was added to the Bill.

SECTION 199.

DEPUTY PRESIDENT: It is better we proceed Section by Section for the sake of convenience. There are several Sections in a clause and hence we will deal with them one by one.

The following amendment was not moved:

Mr. A. THANU PILLAI: In the proposed Section 199 (1) between the words "may" and "provide" insert the words "and whenever a water-tax is levied, shall,"

MR. A. THANU PILLAI (*Trivandrum*): Sir, I move, in the proposed Section 199 (3) for the words "as may be fixed by Our Government after ascertaining to views of the Municipal Council" substitute the words "as may be agreed upon by our Government and the Municipal Council."

Section 199 (3) as proposed by the Select Committee is as follows:—

"(3) Notwithstanding anything contained in sub-section (2), it shall be lawful for Our Government to work the Government water-supply system through their own officers, and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government."

The Section says that Government can call upon the Municipality to pay such sums as they think fit for purposes of water-supply scheme. What I have to say with regard to this has already been said in connection with my other amendment. Now we have enacted provisions empowering Government to work their own water-supply system within the Municipality even without its consent, and in spite of its opposition. Government may or may not consult; may or may not agree with their views; may ignore the opposition of the Council. Then the question in such cases, is, is it right that the Government should be allowed to call upon the Municipality to contribute and if it is right, then the point is to what extent can they be so called upon to pay. Here is a provision which says that the Government may fix their own amount. If 1½ lakhs of rupees is the annual income of a Municipality, Government may ask the Municipality to pay 1½ lakhs of rupees for the supply of water. If that is so, the Municipality has no other course but to pay. No doubt, yesterday we have fixed 10 per cent as the rental value to be collected as maximum water cess. After having fixed so much, could not Government at least have so much confidence in the good sense of the Municipality as to have the

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same fixed by agreement? Could not the Government be satisfied with a provision that in this case, they can authorise the municipality to collect the agreed sum.

There is another aspect of the matter. The provision, as it is, empowers Government to fix a contribution which may be in excess of the 10 per cent. that the Municipality may collect on this account. In one Section we lay down that a Municipality can collect up to 10 per cent as water cess. This provision says that Government may call upon the Municipality to pay such sums as they desire. It may be more than 10 or 25 per cent. If the Government so desire, there is nothing to prevent them from calling upon the Municipality to divert all their funds, or even to borrow and supply funds. That, Sir, is really an intolerable position.

MR. RAMA VARMA RAJA (*Edavagai*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. Let me make it perfectly clear that this provision is really intended for the Trivandrum Municipality alone.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I wish to know whether the Law Member is in order when after having put forward a measure to affect the whole of the State he seriously tells the House again and again that it is to apply to the Trivandrum Municipality alone. Is he in order in doing so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I wish to know under what Standing Order the point of order is raised?

Sir, I was saying that this provision is intended to apply to the Trivandrum Municipality alone. If any apprehension is felt by any member I have not the least objection to make a proviso saying that this shall apply to Trivandrum alone. The circumstances that led to the necessity of making such a provision with regard to the Trivandrum Municipality are well known to the House.

MR. A. THANU PILLAI (*Trivandrum*): May I know whether there are two canons of legislation, one applicable to the Trivandrum Municipality and the other applicable to the other Municipalities?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am not going to answer that question.

This provision is really intended to apply only to the Trivandrum Municipality and the circumstances that led to it are well known to the House. I need only say that circumstances have so turned that Government had to undertake to supply water to the Trivandrum Municipality and, when water is supplied, necessarily the question arises as to how that water-supply is to be worked and who will have to pay for that, either the general tax-payer or the Municipality. Now the Government felt that the Municipality may not be able to handle the system, at any rate at its initial stages, and that the Government may have to take up the work. When it happens to be decided that it is the

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Government that should work out the scheme, the question will arise as to who is to contribute to the expenses of the water-supply, the Municipality or the general tax-payer. The Municipality will obviously have to pay for the working expenses because the general tax-payer has already paid nearly fifty lakhs of rupees for the capital expenditure. Now I ask, is it right to call upon the general tax-payer to contribute for the working expenses which will come to one or one and a half lakhs of rupees. In this matter there are two parties, the Municipality on the one hand and the general tax-payer on the other. If the Municipality does not pay, the general tax-payer will have to pay. Anyhow some body will have to pay. It is not at all fair that we should get the *consent* of one of the parties, of the Municipality. Of course they must be consulted. There are now the two parties and it is for the Government to *decide* who should pay.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the Municipality bound to disgorge the whole of the ten per cent water-tax realised ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That question does not arise from this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Government could call upon the Municipality to realise ten per cent of the annual rental as water-tax.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government cannot call upon them. It is the Municipality that should tax.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Is the municipality bound to disgorge the whole of the rent ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Some body must contribute to the working expenses and that must be contributed either by the general tax-payer or the Municipal Council. It is the Municipality that is immediately affected by the water-supply scheme. The question is as to who should pay. There are two parties the general tax-payer appearing as the defendant as it were on the one side and the Municipality as the plaintiff on the other side. Now I think it is the duty of the Government to come as an arbitrator and decide between the two parties. No doubt there is the provision to ascertain the views of the Municipality.

MR. A. THANU PILLAI (*Trivandrum*): May I know who are the two contending parties ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will explain it once more. The two parties are the general tax-payer being the defendant and the Municipality

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the plaintiff. Some body must pay for the water. If the Municipality pays one rupee the general tax-payer will have to pay one or one and a half lakh of rupees minus one rupee. If it pays ten rupees the general tax payer will have to pay less that amount. That is the real situation.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): May I know who is responsible for this situation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The general tax payer has already paid fifty lakhs of rupees for the capital expenditure. Now who is to pay for the working expenses?

MR. A. THANU PILLAI (*Trivandrum*): What about the conflict between the general tax payer and the municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Really it is a competition. No doubt the Municipalities views must be ascertained.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): What is the objection to the amendment of fixing "such amount as may be realised in the shape of water tax."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the amendment is tabled to that effect I will consider that.

It is reasonable to say that the Municipality should be consulted. But it is not right to say that their consent should be taken. It is quite illogical and groundless. This provision is intended to apply only to the Trivandrum Municipality. And I have no objection in accepting any amendment to the effect that it shall not apply to the other Municipalities. As I said before a general Bill to apply to the whole State is under preparation and it will be introduced in the new legislature before long.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Can the Municipality appropriate to itself the balance out of the 10 per cent. tax if the contribution comes to less?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not think the Municipality would tax 10 per cent. while one per cent. is sufficient to meet the demand on them. They cannot appropriate to themselves any surplus under this head. The tax is only for defraying the expenses of the water-supply.

MR. S. KRISHNA PILLAI (*Karunagapalli*): When they are empowered to impose only to a ten per cent. tax under this Section and it is found that the amount which is necessary will work out at a larger percentage, how will the member reconcile the two inconsistencies? Will the Law Member drive the Municipality into liquidation or will he bring forward any Bill to make a provision for imposing enhanced taxation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no desire to drive any Municipality into liquidation. I can assure the member, if he really feels a sincere doubt, that there is no need to entertain such an idea at all.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Supposing 15 per cent. taxation is necessary to meet the expenditure that will have to be incurred for carrying the works connected with water-supply, and here in the Regulation it is only 10 per cent. taxation that has been permitted; how will the Government make up the difference? Will they compel the Municipality to make good the difference?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government will consider the amount that can reasonably be contributed by the Municipality.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I take it that under this Section Government will be empowered to claim only the ten per cent. taxation that is collected by the Municipality?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The wording in the Amendment Bill only says that Government can call upon the Municipality to make the contribution.

MR. S. KRISHNA PILALI (*Karunagapalli*): Then, should we not have a Section which will be consistent with Section (3), clause (7)?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no question of consistency between this and that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Should we not provide against a contingency?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is not even a contingency. If the Municipality does not get the necessary amount to make the full contribution, there is nothing to prevent it from paying from other funds if it can affords Suppose it is able to make the contribution without resorting to taxation for the purpose. It can very well do it. There is no legal relation between the contribution and the source from which it comes. The only legal relation is that the contribution is made for the purpose of defraying the expenses of water-supply. Before the Government call upon the Municipality to pay, Government will certainly consider the resources of the Municipality, its ability to pay, its ability to tax and capacity of the citizens to bear the taxation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it be acceptable to the member if a proviso like this is added-"provided such contribution does not exceed 10 per cent. or 15 per cent. of the annual rental value of the land"?

This is the same as in clause 3 already amended.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am not able to answer so long as the amendment is not before the House.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I think the Chair will give permission to move the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Srkiar Vakil*): Sir, I shall not object to such an amendment on the ground of want of notice. But so far as the amendment now before the House

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is concerned, the only question is whether the *agreement* of the Municipality should be taken or whether it is enough if the *views* of the municipality are taken. It is quite illogical and unreasonable to say that the Government should obtain the agreement of the Municipality.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Sir, with your kind permission, may I move an amendment?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir, I have already asked permission to move an amendment.

DEPUTY PRESIDENT: I think your amendments are the same and the Law Member agrees not to object to the amendments on the ground of want of notice.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Sir my amendment is ... ...

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I have sought for permission already to move an amendment.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Thanu Pillai's amendment is to substitute the words "as may be agreed upon by the Government and the Municipal Council" for the words "as may be fixed by Our Government after ascertaining the views of the Municipal Council". My amendment is this that the whole Section be read as follows:—

"Notwithstanding ... ...

DEPUTY PRESIDENT; I think your amendment may be moved after the present amendment is put to vote.

MR. A. THANU PILLAI (*Trivandrum*): Sir, in my reply I do not want to take much time. I want to draw the pointed attention of the House to the fact that again in this case the Law Member has said that this will affect only the citizens of Trivandrum and not the other people in the State and on that should depend the voting. If that is the principle on which such things should be done by a legislative body, I have no objection in distinguishing Trivandrum for purposes of legislation and for placing Trivandrum alone in one category while all the other parts of the State are placed in another. That matter has been emphasised again and again by the Law Member, that the voting should depend on the fact that this is to affect the Trivandrum citizens alone. That is the strongest argument put forward by the Law Member. After all, he said that the Municipality is one party and the general tax-payers form the other party and the Government are arbitrators. Even according to him, it is the arbitrator who brings about the contract between the two parties and then sets about to arbitrate. Sir, I say that it is this Government that bring about the trouble and the conflict between the Trivandrum Municipality and the general tax-payers and then it is Government that also come in between the two and arbitrate. I ask who is responsible for this conflict? The Government themselves are responsible. That is the kind of claim that the Law

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Member put forward on behalf of Government to arbitrate on this matter. The Trivandrum Municipality or the general tax-payer was no party to any contract or any engagement or any transaction between themselves and any other party for Government to step in and arbitrate. But, Government did everything of their own accord and then this situation is created by them. The Law Member says "we will arbitrate as we will be the best judges".

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose it is not possible to arrive at an agreement between the Government and the Municipal Council. Who will have to pay and how will the Government or the person running the water-supply system be in a position to manage the establishment?

MR. A. THANU PILLAI (*Trivandrum*): Sir, with regard to that, when Government do undertake such a work of their own accord, does it not follow that they must find out the means of meeting the situation. Is it not ordinary justice? Of course, my friend puts me the question and, as a lawyer, he knows very well, that when Government themselves undertake this work, they would not be justified in calling upon the Municipal Council or the Municipality to pay beyond their means.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it with the consent of the Municipality or without its consent that the work itself was undertaken?

MR. A. THANU PILLAI (*Trivandrum*): Without its consent.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then, for purposes of meeting the expenditure why should Government go in for the consent of the Municipality?

MR. A. THANU PILLAI (*Trivandrum*): True, but what could I do? I used, I suppose, all my powers to prevent that provision from being passed, but it has been accepted by the House and there was no helping it.

MR. S. KRISHNA PILLI (*Karunagapalli*): Does not the member now think that to go in for the express consent of the Municipality now is a little bit too late?

MR. A. THANU PILLAI (*Trivandrum*): It is too late so far as the work is concerned. It is a municipal function—a function falling within the province of the Municipal Council and Government should not interfere. But I was out-voted. Let them interfere then, but let them not interfere to the financial detriment of the citizens of the Municipality, to impoverish them and to place a liability on them to pay beyond their means. Government want unrestricted powers. I say that they may exercise those powers. But let them not tax the Municipality beyond their powers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose the Municipal Council does not come to any agreement with the Government. Who will have to pay?

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MR. A. THANU PILLAI (*Trivandrum*): Government will have to pay.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): That means the general tax-payer.

MR. A. THANU PILLAI (*Trivandrum*): Of course. When I say Government will have to pay, it means what it really means. Whether we should legislate to that effect is the question. If Government do not do things properly, there are other ways of rectifying. If we see that Government do not conduct themselves properly there must be other means of rectifying their mistakes and preventing this misconduct.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have nothing to add.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are we to vote on this amendment on the understanding that Mr. E. V. Krishna Pillai's amendment would be permitted to be moved?

DEPUTY PRESIDENT: I think you may take it that the Law Member will waive his right of notice. I will allow that. Upon that understanding you may vote.

The amendment was put and lost.

MR. A. THANU PILLAI (*Trivandrum*): I demand a poll.

A poll was taken with the following results.

AYES—7.

1	Mr. K. Gopalakrishna Pillai	4	Mr. M. P. Madhavan Pillai
2	,, N. K. Krishna Pillai	5	,, K. P. Nilakanta Pillai
3	,, K. P. Madhavan Pillai	6	,, Rama Varma Raja

7 Mr. A. Thanu Pillai

NOES—34.

1	Mr. K. P. Abraham	19	Mr. K. Padmanabha Panikkar
2	Mrs. Anna Chandi	20	,, C. N. Tuppan Namputiripad
3	Mr. K. C. Chandi	21	,, R. Dhanukoti Pillai
4	,, S. Chattanatha Karayalar	22	,, K. George
5	,, A. S. Damodaran Asan	23	,, A. Kumara Pillai
6	,, M. Govindan	24	Rao Sahib Dr. N. Kunjan Pillai
7	,, N. John Joseph	25	Mr. C. O. Madhavan
8	,, Joseph Kunju	26	,, E. G. McAlpine
9	,, K. P. Kochukora Tarakan	27	,, B. Narayana Pillai
10	,, E. V. Krishna Pillai	28	,, N. Nilakanta Pillai
11	,, S. Krishna Pillai	29	,, R. Nilakanta Pillai
12	,, Tariatu Kunjitomman	30	,, N. K. Padmanabha Pillai
13	,, K. Kunjukrishna Pillai	31	,, Kayalam Paramesvaran Pillai
14	,, K. Madhavan Pillai	32	,, S. C. H. Robinson
15	,, P. S. Mahomed	33	,, C. N. Srirenganatha Sastri
16	,, M. N. Narayana Menon		
17	,, K. Narayanaperumal Nadar		
18	,, A. Narayana Pillai		

34. Mr. J. S. Westerdale

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NEUTRALS—Nil.

The amendment was declared lost. 7 voting *for* the amendment, 34 *against* and none remaining *neutral*.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I move the following amendment.

Add at the end of sub-section (3) of Section 199, the following proviso:—

"*Provided that such amount shall not exceed the amount that the municipality can raise by taxation under the provisions of Section 61(7).*"

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): I second it. In seconding that I wish to say that I would like to move an amendment to this proviso.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will require notice of that.

MR. S. CHATTANATHA KARAYALAR (*Pattanapuram* cum *Shencotta*): Then I will not move that.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There is a difficulty in accepting that amendment. Section 61 lays down that the Municipality shall impose a tax not exceeding 10 per cent. That includes the present taxation which the Municipality is empowered to impose and the amount that the Municipality is utilising for other purposes.

DEPUTY PRESIDENT: I think Section 61 (7) clearly lays down that that the amount can be utilised only for water-works and drainage. It is there in the amendment you have already passed. Even under the old Rgulation you had a similar provision.

The existing Regulation says as follows:

> "Provided that such tax shall be levied only to enable the Municipal Council to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore or hereafter to be provided and the proceeds of the said tax shall be solely devoted to defraying the expenses".

So that it is there already in the Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): By Section 61 (7) we have already passed a proviso to the effect that a yearly water and drainage tax on buildings or lands or both not exceeding 10 per cent. of the annual value of such building or land may be imposed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): So the Municipality has power to impose tax up to 10 per cent. in the shape of water-tax alone. That is not a very comfortable position.

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MR. K. GEORGE (*Chief Secretary to Government*): The House seriously contended that no minimum be fixed as regards the annual value on the buildings or land or on both as tax.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The existing Regulation was intended to be amended. Now the impression created is entirely different.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to take it that that amendment has been accepted?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am also in the same mistery. I never thought that we are passing such a troublesome provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I must say, Sir, that Government at present have no intention of asking the Trivandrum Municipality or for that matter any Municipality to contribute more than what they could raise under Section 61 (7) by way of tax. I further beg to submit that this amendment Bill will be in force only for about two years and a comprehensive provision affecting the taxation in regard to all Municipalities in general will shortly be introduced in the new Assembly that is to be brought into existence. During these two years the Government have no idea of asking the Trivandrum Municipality to contribute anything more than what the Municipality can raise by way of taxation under Section 61(7).

At the same time there is one difficulty in accepting the proviso. It may be that the Municipality has accumulated surpluses. If the Municipality can afford to pay from such sources, let them by all means do so. The balance if any, remaining unpaid need alone be met by the general tax-payer. All that I want to say is that the Government have no idea of calling upon the Trivandrum Municipality to pay more than they can bear.

MR. A. THANU PILLAI (*Trivandrum*): You have been saying that it is mainly the responsibility of Government to supply water to the inhabitants of the city.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the Municipality is able to pay, I have no objection to their meeting the expenses from other sources—only if they can. It is not compulsory on their part to effect the whole payment by raising taxes.

DEPUTY PRESIDENT: The amendment before the House is that the following proviso to Section 199 (3) be incorporated with Mr. Thanu Pillai's amendment, the Section will read thus: "Not withstanding anything contained in sub-section (2) it shall be lawful..... ....of such amount as may be fixed by Our Government after ascertaining the views of the Municipal Council shall be paid by the Council to Our Government".

The above proviso was put to vote and declared carried.

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MR. A. THANU PILLAI (*Trivandrum*) : I demand a poll.

A poll was taken with the following result:—

AYES—25.

1	Mr. Joseph Kunju	
2	,, John Joseph	
3	,, M. Govindan	
4	,, K. C. Chandi	
5	,, K. Gopalakrishna Pillai	
6	,, S. Chattanatha Karayalar	
7	,, A. S. Damodaran Asan	
8	,, K. P. Kochukora Tarakan	
9	,, A. Narayana Pillai	
10	,, M. N. Narayana Menon	
11	,, K. Narayanaperumal Nadar	
12	,, P. S. Mahomed	
13	Mr. K. P. Nilakanta Pillai	
14	,, K. Padmanabha Panikkar	
15	,, E. V. Krishna Pillai	
16	,, N. K. Krishna Pillai	
17	,, M. P. Madhavan Pillai	
18	,, K. P. Madhavan Pillai	
19	,, K. Madhavan Pillai	
20	,, M. Rama Varma Raja	
21	,, S. Krishna Pillai	
22	,, Tariatu Kunjitomman	
23	,, K. Kunjukrishna Pillai	
24	Mrs Anna Chandi	
25	Mr. A. Thanu Pillai	

NOES—15.

1	Mr. C. N. Tuppan Namuptiripad	
2	,, R. Dhanukoti Pillai	
3	,, K. George	
4	,, A. Kumara Pillai	
5	Rao Sahib Dr. N. Kunjan Pillai	
6	Mr. C. O. Madhavan	
7	,, E. G. McAlpine	
8	Mr. B. Narayana Pillai	
9	,, N. Nilakanta Pillai	
10	,, R. Nilakanta Pillai	
11	,, N. K. Padmanabha Pillai	
12	,, Kayalam Parameswaran Pillai	
13	,, S. C. H. Robinson	
14	,, C. N. Srirenganatha Sastri	
15	Mr. J. S. Westerdale	

NEUTRAL 1.

Mr. K. P. Abraham

The amendment was declared, carried 25 voting *for* the Amendment, 15 *against* and one remaining *neutral*.

DEPUTY PRESIDENT : I put it to you that there is no amendment to Section 200, that Clause do form part of the Bill.

The motion was carried and the Section was added to the Bill.

The following amendments were not made.

MR. K. P. NILAKANTA PILLAI:

In Section 201, clause 2, line 2, substitute the word "shall" for the word "may".

In Section 203, clause 1, substitue the word "shall" for the word "may".

DEPUTY PRESIDENT : As there are no amendments to Sections 201 and 203, I put it to you that these do form part of the Bill.

The motion was carried and the Sections were added to the Bill.

The House adjourned at 5 P. M.

A. KUMARA PILLAI,
Secretary to the Legislative Council.

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